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Attorneys for Plaintiff Ashot Egiazaryan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
ASHOT EGIАЗARYAN,	:
	:
Plaintiff,	:
	:
-against-	:
	:
PETER ZALMAYEV,	:
	:
Defendant.	:
-----X	

11 CV 02670 (PKC) (GWG)
ECF
DECLARATION OF
JONATHAN D. LUPKIN

JONATHAN D. LUPKIN, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm Flemming Zulack Williamson Zauderer LLP, counsel for Plaintiff Ashot Egiazaryan in the above-captioned action. I submit this declaration in support of Plaintiff's Motion for Leave to Amend the Complaint.

2. Annexed as Exhibit 1 is a true and correct copy of the Memorandum and Order issued by Judge Castel on December 7, 2011.

3. Annexed as Exhibit 2 is a true and correct copy of Mr. Egiazaryan's proposed Amended Complaint, without its accompanying exhibits.

4. Annexed as Exhibit 3 is a true and correct copy of a blacklined version of Mr. Egiazaryan's proposed Amended Complaint, reflecting the changes from the initial pleading.

5. Annexed as Exhibit 4 is a true and correct copy of a letter from Jonathan D. Lupkin to James P. Golden, dated January 13, 2012.

6. Annexed as Exhibit 5 is a true and correct copy of a letter from Jonathan D. Lupkin to Magistrate Judge Gorenstein, dated January 17, 2012, without its accompanying exhibits.

7. Annexed as Exhibit 6 is a true and correct copy of Magistrate Judge Gorenstein's order, dated January 19, 2012.

8. By email dated February 8, 2012 and again thereafter in a telephone call with me and my colleague, Jason Cohen, counsel for Mr. Zalmayev declined to stipulate to filing of the proposed amended complaint. A copy of the February 8, 2012 email is annexed as Exhibit 7.

I declare under penalty of perjury that the foregoing is true and correct.
Executed in New York, New York on February 14, 2012.



JONATHAN D. LUPKIN